



# Justice Needs in **Uganda** 2016

Legal problems in daily life





# Introduction



This research was supported by the Swedish Embassy in Uganda and The Hague Institute for Global Justice. We are grateful to the staff of the Swedish Embassy for their support and advice.



The Hague Institute  
for Global Justice



This study would not have been a success without the considerable support of our partner ACORD Uganda and the Justice Law and Order Sector (JLOS) in Uganda.

## In 2015, Hiil carried out a nation-wide study on access to justice in Uganda:

- Its purpose was to provide information and insights on the state of access to justice in Uganda.
- It was financed by the Swedish Embassy in Uganda and The Hague Institute for Global Justice in the Netherlands.
- Hiil's report tells the story of the **journeys to justice** for the citizens of Uganda, through the lens of how they experience it themselves.

“No major national survey has been conducted in at least the past 5-10 years on access to justice in Uganda. (...) Earlier research in some parts of the country indicates that, in the main, people rely on the informal justice sector (such as traditional leaders) and Local Council Courts when seeking justice, but this needs to be updated to establish what quality of justice is provided by various role players.”

BASELINE STUDY ON DEMOCRACY, JUSTICE, HUMAN RIGHTS AND ACCOUNTABILITY IN UGANDA, CONDUCTED BY THE DEMOCRATIC GOVERNANCE FACILITY (2013)

### Disclaimer

This report is a living document and subject to revision. Whenever the report is revised it will be posted at [www.hiil.org/publications/data-reports](http://www.hiil.org/publications/data-reports). This version of the report was generated on October 27, 2016.

# Executive summary

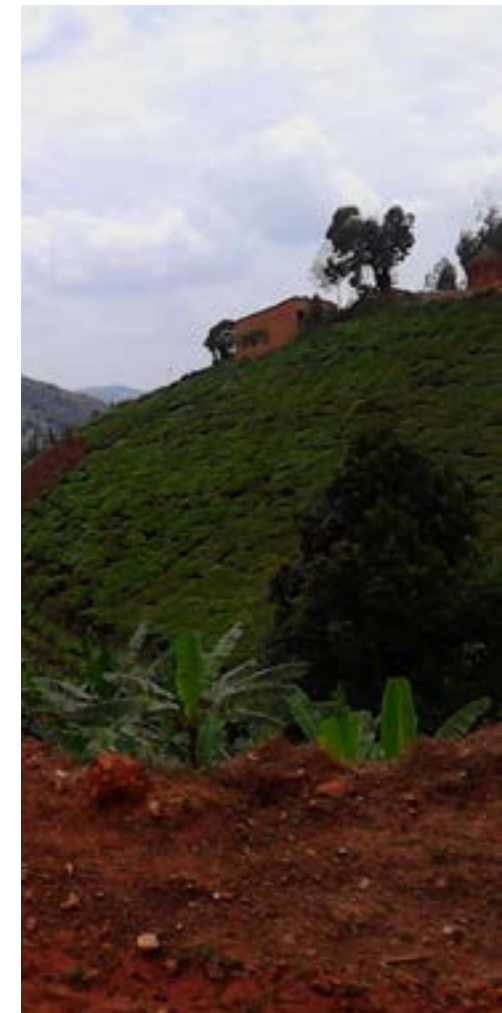
**This report contains the analysis of a nation-wide justice needs and satisfaction survey Hiil conducted in Uganda at the end of 2015. We invite you to take the justice journey with us down the often bumpy and winded paths that Ugandans take in their quest to obtain fair solutions to their justice needs.**

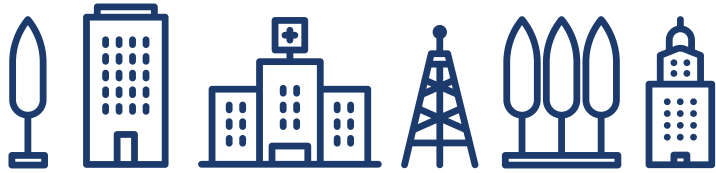
- The data tells us what kind of justice problems the citizens of Uganda face: the most serious ones, the most frequent ones, who faces them and in which region. It provides insights into what people do in the face of these justice problems: where they seek legal information and what they do after that; do they give up, solve it themselves or seek resolution with the help of others. Lastly, we show how people rate the justice and the fairness they get once they engage others to help them solve their justice problem.
- For most people in Uganda the justice system is complex to navigate, expensive and in many cases not capable of producing fair outcomes that reflect the needs of the citizens it is meant to serve. This report does

not present detailed instructions on how to improve all separate aspects of the justice system, as it is our firm belief that, based on the kind of user-based data contained in this report, local experts need to champion the change and innovation that is crucial for success. Having said that, we do end the report with a number of recommendations and best practices known to us on how the hugely rich data and the information it can provide, can be used to develop effective change strategies.

- We found that over a four year period, almost 90% of Ugandan people experienced one or more serious justice need(s) that were serious and difficult to resolve. Most people experience more than one problem, with 23% even encountering three or more problems.
- The most prevalent justice problems in Uganda are related to land, family matters and crime, with specifically high occurrences of disputes with neighbours over boundaries, rights of way or access to property, theft/ robbery and domestic violence.

- Justice problems (both the ones that are resolved and the ones that remain unresolved) have severe negative consequences, such as stress-related illnesses, economic costs and a loss of time.
- In our report, we outline the first actions people take when faced with a justice problem: seeking information and advice. Key findings include:
  - ◊ The majority of Ugandans seek information and advice from their social network and the Local Council Courts (LCCs). Formal legal sources are used as well, but to a lesser extent.
  - ◊ More vulnerable people (poor people in rural areas and people who received less education) tend to seek less information and advice because of a lack of knowledge and greater negative perception about the prospects of solving their problem.





**The report also outlines the dispute resolution mechanisms that people subsequently use. Key points are:**

- More than a third of the people faced with a problem did not take any steps to resolve it. This is mainly because people feel that they are unlikely to succeed in their efforts to solve the problem, either because of a lack of knowledge or because it entailed a high anticipated risk, such as an aggravation of the relationship with the other party (especially in case of family problems) or high investment in terms of time and money.
- When people do take action, direct personal action, the involvement of family and the social network, are crucial for people to deal with their justice problem. LCCs play an important role too, especially for the vulnerable population.
- Courts and lawyers are marginal to the experience of day-to-day justice of the people in Uganda: less than 5% of dispute resolution takes place in a court of law and in less than 1% of the cases a lawyer is involved.
- Justice problems that are most likely to end up in a court of law are problems related to land, public services and crime.
- The LCCs, particularly at the lowest level (LC1), hold an important place in Uganda's justice system. Despite the fact that these courts, prior to the recent election, have been ruled to be not validly constituted, they are presently the most widely used institution for dispute resolution in Uganda. Ugandan citizens experience the LCCs as an effective dispute resolution process, although they also report that existing power relations within communities affect decision-making in LCCs. Focused investments to strengthen the capacity of LCCs would have a profound positive impact on access to justice in Uganda.
- Justice users in Uganda experience limited fairness in the processes and outcomes on their justice journeys, particularly when they go through the formal justice system. Also in terms of financial accessibility, community and hybrid processes seem to do better. On the other hand, regulation of stress and emotions seems to be better managed within formal dispute resolution processes.
- Trust in justice institutions, in

particular the formal system, is low. Whereas informal fora of dispute resolution (NGOs, legal aid centres) enjoy considerable levels of trust, courts and lawyers are among the least trusted institutions.

We give a number of recommendations and best practices known to us on how the hugely rich data and the information it can provide can be used to develop effective change strategies. Key points are to prioritize the most urgent justice needs that emerge from the data, in a way that is seen as legitimate. Then, for each of the prioritized justice needs, undertaking a detailed analysis of bottlenecks and needs per problem type. For each justice problem, the key stakeholders should be identified and a problem owner should be selected. Measurable targets should be set so that problem owners can start working towards the goals. Finally, we recommend that the knowledge infrastructure per justice problem should be strengthened, including the development and delivery of legal information, the development of a network of hybrid providers of justice services and the support

of dispute resolution with online tools. A continuous assessment of the evidence about needs for and supply of justice services should take place. The second part of our recommendations focuses on the rules of the game, the roles of different stakeholders and the indicators of success.



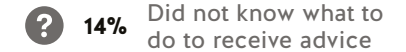
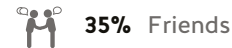
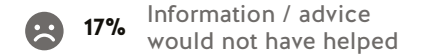
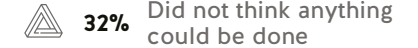
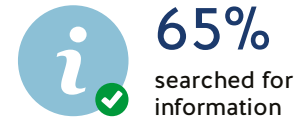


# Justice Journeys

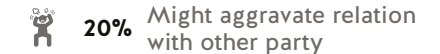
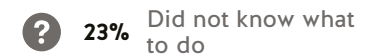
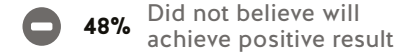
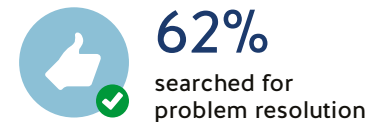
88%

of Ugandan people experienced one or more serious and difficult to resolve justice need in the past four years

## Did you seek information and advice?

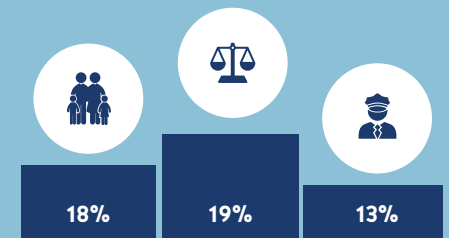


## Did you try to solve the problem?



## The three most helpful sources for problem resolution:

- 1 Local Council Court (19%)
- 2 Family Members (18%)
- 3 Police (13%)



# Recommendations: Empowering Innovation

Justice innovation starts with putting the needs of the citizens – the users of justice – at the forefront. This means fairly addressing the problems of those in need. By taking a collaborative approach, thus by leveraging best practices of the public and private sectors, as well as academia, Uganda has the potential to transform its justice system to serve the needs of its citizens. To do so, four conditions are essential: existence of solid data, a willingness to take risks, thinking creatively and exertion of political will. To mainstream and fast-track this process, we recommend:

## 1. Investing in innovative justice procedures that affect millions of people:

Build once (starting with one or more areas where access to justice is most needed, e.g. family disputes) and use it often. Once excellence is achieved in one procedure, that expertise and experience gained can be replicated in other areas.

## 2. Focusing on justice needs that affect many people and where successes can be easily scaled up:

The focus should be on innovations that deliver to underserved populations or to simplify procedures for the general population.

## 3. Challenging innovators from Uganda, East Africa and elsewhere to propose solutions:

Challenges spark creativity and novel solutions, which could lead to a paradigm shift in the justice system. Provide funding for those projects that have successfully demonstrated 'proof-of-principle' in Uganda, East Africa and the broader region.

## 4. Strengthening the community that can empower justice innovation and justice entrepreneurship around priority justice needs:

Justice innovation is not only about lawyers and courts: it requires an ecosystem of actors to participate (investor networks, business incubators, creatives, justice professionals, partner organisations and first customers).

## 5. Promoting awareness of opportunities in the field of legal and justice innovation:

Building awareness of the diversity of successful justice innovations in Uganda is crucial. Funding mechanisms that go beyond traditional disciplinary boundaries are required to incentivize breakthroughs and create new business models.

# Recommendations: How it can be done

**Most injustice is experienced in relation to daily life; consequently it is in relation to day-to-day problems that people experience the value of justice. This is where innovations in the justice system could improve the quality of life of ordinary Ugandans. Strategies for innovation include:**

## 1. Prioritization of the most urgent justice needs:

- Our research identifies the most prevalent justice problems in Uganda: those relating to land, family and crime. We advise that priority be given to those problems that occur most often and/or have the greatest impact on people's lives. Selecting these priorities ideally should be done in collaboration with Ugandan justice leaders, in order to make it an inclusive process.

## 2. Undertaking a detailed analysis of bottlenecks and needs per category of users and problem type:

- A more in-depth look should be taken into the quantitative Justice Needs and Satisfaction Survey data and qualitative interviews, to identify the reasons for people's dissatisfaction with specific aspects of their justice journeys.

- Follow-up interviews should be conducted with stakeholders and justice users, which should be analyzed to confirm bottlenecks and needs per problem type.
- Existing infrastructure/services should be mapped to gain a thorough understanding of the local context and possible obstacles, resistance and opportunities.

## 3. Ownership and goal setting:

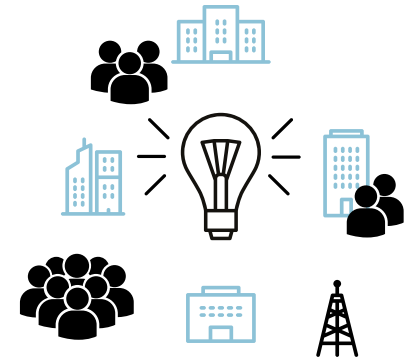
- The key stakeholders for each justice problem should be identified.
- A Ugandan 'problem owner' and lead partner should be identified for development and implementation of a broad strategy.
- A group of justice leaders on the chosen theme should be formed.
- Measurable targets should be established.

## 4. Strengthening knowledge infrastructure per justice problem:

We distinguish four strategies for innovation that are validated in state of the art scientific research and grounded in practice.



# Recommendations: Best practices



- **Develop and deliver legal information that empowers people to help themselves and find help:**

Since most problems are solved outside the realm of formal justice institutions, it is key to empower people to cope with their problems and negotiate their own fair solutions. At present, around one third of the Ugandans (with an overrepresentation of people with less education and income that live in rural areas) are faced with a justice problem and does not take any action to resolve it. Problem resolution behaviour is indisputably and directly linked to legal ability and empowerment. Providing effective and comprehensible public legal information and the development of visible and accessible services in the legal field is one possible way to encourage people to resolve their justice needs in a fair manner. Raising public awareness and knowledge about citizen's legal rights on specific issues (e.g. land and family rights) and the legal system (which institutions to approach for which problems)

would help citizens to understand the different ways of obtaining advice on their legal problems, which in turn increases the likelihood of them seeking and finding appropriate avenues for dispute resolution.

- **Further development of a network of hybrid providers of justice services and facilitation and promotion of alternative dispute resolution mechanisms that can resolve disputes in a fair manner:**

Many Ugandan citizens rely on informal and customary justice processes. Since their focus is mostly on dialogue and conciliation, these processes can integrate knowledge on modern mediation techniques and know-how on dispute resolution. Court procedures are found to be out of reach for the majority of Ugandans and the availability of legal aid, mediation or lawyers' financing claims on a no-win no-pay basis does not change this situation. Therefore, we argue that alternative adjudication mechanisms that are widely available, simple, easy to use and low-cost are a more effective

way to increase access to justice in Uganda.

- **Support dispute resolution procedures with online tools:**

Resolving conflicts is for a large part a matter of exchanging information. This flow of information can be structured and supported by forms and standard documents that pose the right questions.

- **Continuous assessment of the evidence about the needs for and the supply of justice services:**

(1) Identify a particular aspect of the justice system that requires improvement, involve all stakeholders and establish clear goals. Baseline data, such as using this study to measure improvement. (2) Implement the plan, (3) determine whether the plan is working (measure), and (4) act upon these outcomes. Revise, modify and implement as necessary. Determine how to achieve optimal improvements.



# Recommendations: The way ahead

## 1. Clearly establish the rules of the game:

- Spread donor assistance and government subsidies across providers to avoid the creation of monopolistic organizations, which become inwardly focused and lose the incentives to solve citizens' problems.
- Invest in information and practices that enable an infrastructure of justice journeys. In other words, instead of investing directly in buildings and people (e.g. judges and lawyers), it is more effective to invest in information tools and dispute resolution protocols that enable the delivery of high quality solutions.
- Stimulate non-adversarial procedures, which are more efficient, inclusive and accessible than legalistic procedures for everyday problems of citizens. Rather than resolving issues by confrontation, encourage collaboration between all parties which will lead to improved outcomes.

## 2. Establish the roles of ministries, courts and professional organisations:

- Governmental organizations (JLOS, the Ministry of Justice, Ministry of Local Government) can facilitate the

process outlined above.

- Each party should have its own clearly-identified and independent role that needs to be respected.
- Together, the parties further develop a justice sector that the country can be proud of.
- Ensuring that best practices are scaled up nationwide.
- Ensuring Uganda achieves the Sustainable Development Goals, of which in particular Goal 16.
- Ensuring evidence-based procedures to reduce injustice.

## 3. Establish indicators of success:

- Ownership of justice problems which leads to a commitment to change.
- Implementation of strategies.
- Scaling up and further development of successful strategies. What does not work is re-assessed and lessons learned are spread widely.
- The goals that have been set (in step three of the process) are achieved.
- More ambitious goals are set at every next iteration of the process. More citizens have access to better justice journeys.





# Realising the potential of Uganda's justice system: A call to action

The data we have shared with you in the previous pages of this report provides solid empirical evidence about the types of justice needs the Ugandan people face. It provides insight into the actions they take and the amount of fairness they receive when they seek to resolve it, what they do about it (or not), and how much fairness they receive on the justice journeys they embark on to resolve them. It is the story of the citizens of Uganda - their voices speak. These voices, through the Justice Needs and Satisfaction Survey, provide a legitimate foundation from which to work very concretely on further improving access to justice.

- We look forward to collaborate with the leaders of the justice system in Uganda to come together around the most pressing justice needs that emerge from this study and to help build coalitions for change with those working on practical strategies to increase access to justice.
- We hope that this data will empower justice entrepreneurs in Uganda. They can see where problems lie and they

can also discover where solutions are needed. We stand ready to work with them and to connect them to other innovators. Scaling up local successes will empower the Ugandan citizens, communities and businesses.

- We hope that the government of Uganda, as well as those donors supporting the Rule of Law and justice, will also look at this data carefully and use it in their programming, budgeting and evaluation processes.
- We also hope to inspire others. We recommend others to collect and share data on the justice needs of users of the justice systems. The time to innovate the justice system has never been better, since more and more of the required information to power innovations that improve the justice system becomes available and accessible. **Join us!**

Our experts are ready to engage with you, to share their experience and expertise and help you play your part in improving Uganda's justice system.

# About Hiil Innovating Justice

Hiil Innovating Justice helps turn the most promising and disruptive ideas into effective innovations by bringing together the best legal experts, cutting-edge technology and new types of funding. We differ because we put the users of the justice system first. We constantly scan the latest available knowledge and work to help our clients understand people's justice needs and develop effective strategies based on what works. We do not consult from the sides, but co-create. We help to integrate new technologies for resolving conflict in time-honoured legal procedures which are linked to effective institutional structures. Hiil Innovating Justice works with courts, legal aid boards, NGOs, ministries responsible for justice and companies that are looking for fair and innovative solutions which can be sustainably funded and can catalyse systemic change.

For more information about what we do, please visit [www.hiil.org](http://www.hiil.org)

## About the authors

### **Johanna Piest**

Justice Sector Advisor  
johanna.piest@hiil.org  
+316 154 157 68

### **Martin Gramatikov**

Head of Measuring Justice  
martin.gramatikov@hiil.org

### **Sam Muller**

Director/CEO

### **Kavita Heijstek-Ziemann**

Justice Sector Advisor

### **Jamila Sallali**

Research Assistant



For more information about and contact details of the authors, please visit:

[www.hiil.org/about-us/our-people](http://www.hiil.org/about-us/our-people)



Hiil Innovating Justice  
Bezuidenhoutseweg 16A, 2594AV, The Hague  
The Netherlands  
Tel: +31 70 762 0700  
[www.hiil.org](http://www.hiil.org)  
E-mail: [info@hiil.org](mailto:info@hiil.org)